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REMARKS

In the non-final Office Action mailed June 9, 2009, the Examiner again rejected claims 1-6, 17, 18, 23 and 24. The Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as being anticipated by Kobayashi (US 6,254,259). Claims 5 and 17-18 were rejected under § 103(a) as being unpatentable over Kobayashi '259 in view of Simpson et al ("A Recurrent Neural Network Classifier for Improved Retrievals of Areal Extent of Snow Cover"). Claims 23-24 were rejected under § 103(a) as being unpatentable over Josie (US 5,798,911) in view of Sekine et al (US 5,963,148). With this amendment, claims 1-6, 17, 18, 23 and 24 remain pending in the application.

The present invention relates to various improvements relating to automatic vehicle equipment control systems. The Examiner has again rejected claims 1-4, 6 under 35 U.S.C. § 102(b) as being anticipated by Kobayashi. Kobayashi teaches a vehicle lamp system that provides control of illumination based on various weather and road conditions. As Applicant has described previously, Applicant's claim 1 specifically recites an automatic vehicle exterior light control system that includes a controller configured to effect automatic operation as a function of an ambient light value, wherein the ambient light value is a *weighted average of a plurality of ambient light level readings acquired from a photo transducer*.

As the Examiner is aware, a rejection under §102(b) requires that all elements recited in the claim be shown are inherent in the prior art. Although the Examiner cites, Col. 3, lines 22-44, as teaching these claim limitations, Applicant can find no recitation in Kobayashi or the other art of record that teaches the use of a weighted average. The language pointed out by the Examiner merely describes that data is delivered to the illumination control means. The Examiner should recognize that a "weighted average" generally is defined as an average in which each quantity to be averaged is assigned a weight. The weightings determine the relative importance of each quantity on the average. Weightings are the equivalent of having that many like items with the same value involved in the average. In Kobayashi, there is no weighted

average but reference data is merely delivered to the weather analysis system and road surface analysis system. No "weighted average" is used such that a plurality of ambient light level readings that are acquired from a photo transducer as is presently recited in Applicant's claims. Accordingly, since each and every element as set forth in the claim is not found, either expressly or inherently in Kobayashi, these references cannot anticipate claims 1-4 and 6. Accordingly, Applicant respectfully requests the rejections on these grounds be withdrawn.

Similarly, dependent claims 2-4 and 6 are directly or ultimately dependent upon one of independent claims 1 and 17, respectively, and include all the limitations thereof. For at least the reasons set forth above, Applicants respectfully submit that Kobayashi fails to teach where the high reflected surface is selected from the limitations as set forth in claim 2. Similarly, claim 3 sets forth a group of the atmospheric conditions of interest, claim 4 sets forth a group of highly reflective surfaces and claim 6 sets forth a group of items manipulated by the controller. These limitations are also neither taught nor suggested by Kobayashi or the other art of record.

With regard to the rejections of claims 5 and 17-18 under § 103(a) as being unpatentable over Kobayashi in view of Simpson, Applicant also respectfully disagrees with the Examiner's conclusion regarding this rejection. Simpson apparently has been cited for its use of an exterior light control output of the controller that is at least partially dependent upon the source of the reflection in the image. As Applicant has discussed previously, Kobayashi teaches an automatic vehicle exterior light control system, where the reflections are identified by employing a slope of pixel column location versus pixel grayscale value of at least a portion of a column of pixels within at least one image (col. 3, lines 50-52), and increases brightness of the controlled vehicle's exterior light (col. 3, lines 50-52). Simpson teaches a state of an exterior light control output of the controller that is at least partially dependent upon the source of the reflection in the image.

As Applicant has noted in its prior response, the Examiner bears the burden of factually supporting any *prima facie* conclusion of obviousness. To make such a rejection, there must be some apparent reason why a person of ordinary skill in the art would combine the references, and

the analysis should be made explicit. Applicant's position is that even if such a combination were made, it still would not teach the invention as presently recited in Applicant's claim 5.

Similarly, Applicant's claim 17 defines an automatic vehicle exterior light control system that amongst other things includes a controller configured to effect automatic operation as a function of an ambient light value, wherein the ambient light value is a *weighted average* of a plurality of ambient light level readings acquired from a photo transducer. Additionally, a controller is further configured to identify the source of a reflection in an image by employing at least one of the parameters selected from the group set forth in the claim. Thus, by controlling an automatic operation as a function of a weighted average of ambient light, the system can continue to perform during imager blockage and/or faulty imager detection. Applicant respectfully submits that Kobayashi does not teach such a weighted average, and instead, Kobayashi teaches an environmental detection means (2c) used for determining a magnitude in a contrast of brightness (col. 3, lines 6-22). Hence, the determination of a magnitude in a contrast of brightness does not teach a "weighted average" of a plurality of ambient light level readings acquired from a photo transducer, as set forth in independent claim 17. Accordingly, Applicant submits that claims 5 and 17-18 are not rendered obvious by Kobayashi or Simpson and request the rejections of these claims under § 103(a) also be withdrawn.

Finally, the Examiner has also again rejected claims 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Josie (US 5,798,911) in view of Sekine et al. (US 5,963,148). Claim 23 recites amongst other things an automatic vehicle exterior light control system including a controller configured to effect automatic operation as a function of an ambient light value, wherein the ambient light value is a weighted average of a plurality of ambient light level readings acquired from a photo transducer. The controller is further configured to detect at least one of a pedestrian and a bicyclist and further configured to provide a corresponding indication to an operator of a controlled vehicle.

As in the prior office actions, the Examiner apparently has interpreted the Josie light control system to include all of the limitations of claim 23 which is a road situation perceiving system, in which an indication is provided to an operator of a controlled vehicle if there is an obstacle present in the road. However, Josie teaches an external light sensor arranged externally on the vehicle for measuring the average external light intensity independent of instantaneous dazzling, shade, and the like, and passes the corresponding signals to the control means (60) (col. 9, lines 5-10). Thus, Josie does not teach the use of "weighted averages" that are supplied to a light sensor. Moreover, Sekine teaches an image of a road area ahead of a vehicle being formed based on road data read from a navigation system or based on an image shot by a camera means such as a video camera, wherein a temperature profile ahead of the vehicle detected by a temperature detecting means such as an infrared camera is superposed on the image of the radio area.

In contrast, independent claim 23 recites a controller configured to affect automatic operation as a function of an ambient light value, wherein the ambient light value is a *weighted average* of a plurality of ambient light level readings acquired from a photo transducer. Thus, by controlling an automatic operation as a function of a weighted average of ambient light, the system can continue to perform during imager blockage and/or faulty imager detection. The limitations of claims 23 and 24 simply are not taught nor suggested in Josie or Sekine. Thus, Applicants again respectfully request withdrawal of the rejections under § 103(a) as to both claims 23 and 24.

Applicant submits that this application is in condition for allowance. An early notice thereof is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Moreover, no amendment made was for the purpose of narrowing the scope of any claim unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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Should the Examiner have any further comments or suggestions that would expedite the allowance of this application, he is respectfully requested to telephone the undersigned. Please charge any additional fees associated with this amendment and credit any overpayments to Deposit Account No. 16-2463.

Respectfully submitted,

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